



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2306956
Applicant Name: Randy Spaan
Address of Proposal: 3114 E Pine Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to change the use of an existing 2-story, 6,440 sq. ft. religious facility to a 3-unit townhouse in an Environmentally Critical Area (ECA). Project includes future 700 sq. ft. deck and porch additions and 743 sq. ft. 1st and 2nd floor additions. Parking to be located within the structure. Related short plat #2306654.

The following approvals are required:

Administrative Conditional Use – To allow a multifamily use in a structure unsuited to uses permitted outright. (Seattle Municipal Code Chapter 23.44.028)

SEPA – Environmental Determination (Seattle Municipal Code Chapter 25.05)*

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The project site is located along northwest corner of the intersection of E. Pine Street and 32nd Avenue in the Madrona neighborhood. At this location, both streets are paved with curbs, gutters and sidewalks. The site is zoned Single Family 5000 (SF5000) and currently contains a religious facility which was previously owned by The Salvation Army. The site also has approximately 16 surface parking spaces located on the north and west side of the building. Located on site are areas designated as Steep Slope and Landslide Prone, which are mapped as City of Seattle Environmentally Critical Areas (ECA).

The north end of the site is mapped with 40% Steep Slope as well as Landslide Prone. The western portion of the site also contains area mapped as Landslide Prone. However, the applicant applied for and received a Limited ECA Exemption under project #2305853.

Zoning in the vicinity is designated as Single Family 5000 (SF 5000). Development in the vicinity is mixed between single family and multi-family structures, but is largely characterized by single family structures.

Proposal Description

The applicant is proposing to change the use of an existing 2-story, 6,440 sq. ft. religious facility to a 3-unit townhouse in an Environmentally Critical Area (ECA). Project includes future 700 sq. ft. deck and porch additions and 743 sq. ft. 1st and 2nd floor additions. Parking is proposed within the structure.

Since a short plat is also proposed for this site (#2306654), the SEPA analysis will anticipate the related proposal, as it is located in an ECA.

Public Comment

Seven comment letters were received during the official public comment period, which ended November 26, 2003.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.028)

Structure Unsited to Uses Permitted Outright

- A. *Uses not otherwise permitted in the zone may be permitted in structures unsited to uses permitted outright in single-family zones. The determination that a use may be permitted shall be based on the following factors:*
1. *The design of the structure is not suitable for conversion to a use permitted outright in a single-family zone; and*

The analysis below is based upon the appraisal information submitted on January 16, 2004 by Fidelity Appraisal, Inc.

The following are uses permitted outright within a structure in a Single Family 5000 zone: single-family residence, nursing homes with eight (8) or fewer residence, and adult family homes.

The assessment states that to convert a structure of this size (6,440 sq. ft.) to a single family residence would result in a significant over improvement, and that the economic depreciation resulting from such an over improvement would render such a use unfeasible.

Nursing homes with eight (8) or fewer residence are also permitted in the zone. As regulated by the State of Washington, a nursing home use is limited to a skilled nursing facility, as all licensed nursing homes in Washington must offer fully skilled nurse practitioners.

Nursing homes in the State of Washington range from around 30 residents to over 200 residents, with an average of 92. Given the requirements for skilled nursing in a nursing home, it would not be financially feasible to operate a skilled nursing facility with only eight (8) residents. The 24-hour staffing required would diminish the revenue available for such a facility. According to the appraisal information, it is not advisable to operate any skilled nursing facility with a size of fewer than 70 residents. Those currently operating with less than 70 beds are usually nursing wings of larger retirement facilities such as the "Parkshore" with 30 residents, or specialty-nursing facilities devoted to a narrow segment of specialty care such as the "Bailey-Boushay House" catering to approximately 35 residents living with AIDS. Thus, it would not be possible to use the subject facility as a nursing home because of the limitation of eight (8) residents. The accessibility requirements could also create problems, as most of the skilled nursing homes are one-story facilities.

The last use under consideration is an adult family home. Typically, this use occupies an existing three or four bedroom single-family structure in semi-private accommodations, often with two (2) people to a bedroom. According to the appraisal information, the cost to maintain and heat a 6,000 square foot facility for approximately six (6) adults is not feasible, and similar to the nursing homes, the configuration of the church building would cause serious access and operational problems.

2. *The structure contains more than four thousand (4,000) square feet; and*

The interior floor space totals approximately 6,440 square-feet.

3. *The proposed use will provide a public benefit.*

The applicant has stated that the proposal would provide three (3) middle-income residential units, and thus would be adding to the housing stock within the Urban Growth Boundary. In addition, the proposal of three (3) residential units could decrease the overall traffic impacts, as religious facilities quite often generate a higher peak parking demand when holding events. The proposal also involves aesthetic improvements to the structure which would enhance the overall design of the structure.

B. *Parking requirements for uses permitted under this section shall be determined by the Director.*

Per the land use code, the applicant will be required to provide one space per unit, for a total of three parking spaces on site.

C. *The Director may require measures to mitigate impacts such as noise, odor, parking or traffic impacts. Mitigating measures may include but are not limited to landscaping, sound barriers, fences, mounding or berming, adjustments to development standards, design modifications or setting hours of operation.*

No further mitigation is necessary.

D. *In the case of an existing or former public school, permissible uses other than those permitted outright in the zone and their development standards including parking requirements shall be established only pursuant to procedures for establishing criteria for joint use or reuse of public schools in Chapter 23.78 of this Land Use Code.*

Not applicable.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **CONDITIONALLY GRANTED**.

ANALYSIS – SEPA

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on September 2, 2003. This information and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report anticipates short and long-term adverse impacts from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states, “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”, subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Critical Areas Ordinance (grading, soil erosion and stability); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Parking

Short-term parking impacts involve additional parking demand generated by construction personnel and equipment. On-street parking is available in the immediate vicinity. Therefore, no additional mitigation is warranted.

Earth

The proposal site is located in a Steep Slope and Landslide Prone Environmentally Critical Area, thus the related short subdivision (#2306654) is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall

be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

According to the DPD's GIS system, the subject site is mapped as Steep Slope and Landslide Prone, which is an Environmentally Critical Area (ECA). The north end of the site is mapped with 40% Steep Slope as well as Landslide Prone. The western portion of the site also contains area mapped as Landslide Prone. However, the applicant applied for and received a Limited ECA Exemption under project #2305853. The submitted information was sufficient to demonstrate that the Steep Slopes are the result of previous legal grading activities. The 2003 geotechnical report from Dennis M. Bruce, P.E., demonstrates that there will be no adverse impact from an approved waiver of the ECA Steep Slope Development Standards. However, further subsurface exploration may be necessary to address property line excavation and foundation support issues.

There is the potential for erosion during construction. However, temporary erosion control is regulated through Director's Rule 26-2000 regarding Flow Control Requirements and is sufficient to mitigate any short-term construction impacts to the earth. Thus, no mitigation pursuant to SEPA is warranted.

Long - Term Impacts

Long-term, or use-related, impacts anticipated by the proposal include an increase in interior floor space, and potential increased parking demand. These long-term impacts are not considered significant because the impacts are minor in scope. However, the potential parking impacts warrant further discussion and review.

Parking

Chapter 23.54 of the Seattle Municipal Code requires a total of three (3) parking spaces for the proposed three (3) unit townhouse structure. It is determined that there will be adequate on-street parking spaces to accommodate unanticipated parking impacts. For this reason, no mitigation of parking impacts is necessary pursuant to SEPA.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

None.

CONDITIONS - SEPA

During construction:

The following condition(s), to be enforced during construction, shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions shall be printed legibly on placards available from DPD, shall be laminated with plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

1. All construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays and Sundays from 9:00 a.m. to 6:00 p.m.:
 - Surveying and layout;
 - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

These hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. The applicant will be required to submit a noise mitigation plan to DPD for review before a change in construction hours may occur. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

Signature: (signature on file) Date: August 2, 2004
Bryan Stevens, Land Use Planner
Department of Planning and Development
Land Use Services